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June 27, 2023

Hon. Vernon S. Broderick
U.S. District Court
40 Foley Square
New York, NY 10007

Application GRANTED. The application to extend the stay on this case is extended to November 15, 2023. The parties are ORDERED to file a joint letter updating the Court on the status of this case on or before November 15, 2023.

SO ORDERED:

6/28/2023


HON. VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE

Re: *July Justine Shelby v. Warden J. Petrucci*, 19 Cv 2020 (VSB)(SN) {Habeas Petition}

Dear Judge Broderick:

We are counsel for July Justine Shelby, the Petitioner in the above referenced matter. Please accept this letter as a follow up to our letters dated December 18, 2022 and June 15, 2023 in regard to the above referenced Habeas Petition (the "Petition").

The Petition asserts two Claims. The first Claim is premised upon the refusal of the BOP to provide Ms. Shelby with gender affirming surgery (the "GAS Claim"). The second Claim was premised upon the refusal of the BOP to transfer Ms. Shelby to a woman's prison (the "Transfer Claim"). The Transfer Claim was addressed in the R&R (ECF Doc. 74) and granted by an Order issued by this Court (ECF Doc. 86). However, the R&R and the Order do not address the GAS Claim. As such, this Claim remains open. Pursuant to the parties' request in the December 18th letter, adjudication of the GAS Claim is stayed. The June 15th letter informs that by June 30, 2023, the parties will send a joint status letter indicating how they seek to proceed on this Claim.

The BOP Transgender Offender Manual states that, generally and among other conditions, an inmate must be housed for a year in a facility consistent with the inmate's gender identity prior to the BOP's Transgender Executive Counsel making a referral for GAS. Accordingly, without waiving any of Ms. Shelby's rights to challenge this policy, we request the Court continue the stay of the GAS Claim until Ms. Shelby has been housed in a woman's jail for one year. After the one year of residency, we will send a joint letter indicating how the parties plan to proceed.

Prior to submission with of this letter, I conferred with Government, who are counsel for the Respondent, and they consent to this request.

Respectfully submitted,

/s/

Jeffrey G. Pittell

cc: Dana Walsh Kumar, AUSA
Lucas Issacharoff, AUSA
July Justine Shelby